

### REMARKS

Claims 1-11 are pending in the present application. The drawings were objected to as failing to comply with 37 CFR 1.84(p)(4). Claims 1-11 were objected to due to informalities. Claims 1, 2, 4, 6 and 8 were rejected under 35 U.S.C. §102(b) as being anticipated by Hell et al., U.S. Patent No. 5,731,588. Claims 3, 5, 7 and 9-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hell et al.

Claims 1-11 have been amended. The specification and the drawings have been amended. Reconsideration of the application is respectfully requested.

#### Objections to the drawings

The drawings were objected as failing to comply with 37 CFR 1.84(p)(4). Fig. 2 has now been amended to correctly indicate the dichroic beam splitter by reference character "27". The lens provided between the light source 17 and the dichroic beam splitter 25 in Fig. 2 has been provided with new reference character 24, and the specification has been accordingly amended. Additionally, Fig. 1 has been amended to include the label "Prior Art", since this figure shows a "conventional" system, as indicated on page 7, lines 10-12. It is respectfully submitted that no new matter has been added. Applicant thanks the Examiner for pointing out these errors.

Withdrawal of the objections to the drawings as failing to comply 37 CFR 1.84(p)(4) is respectfully requested.

#### Objection to the claims

Claims 1-11 were objected to due to informalities. Claims 1-11 have now been amended to change "Scanning" to --scanning--, and claim 1 has been amended to change "At" to --at--, as suggested by the Examiner.

Withdrawal of the objection to claims 1-11 is respectfully requested.

#### Rejection under 35 U.S.C. §102(b)

Claims 1, 2, 4, 6 and 8 were rejected under 35 U.S.C. §102(b) as being anticipated by

Hell et al., U.S. Patent No. 5,731,588.

Hell et al. describes a device for optically measuring a point on a sample, in which stimulated emission is used to improve resolution. See Abstract.

Independent claim 1 of the present application recites “components for guiding and shaping ... such that optical aberrations are corrected in such a way that the focal regions remain static relative to one another irrespective of the scanning movement.” It is respectfully submitted that Hell et al. does not teach or suggest correcting optical aberrations such that the focal regions remain static relative to one another. In contrast, the lens 13 of Hell et al. merely adjusts the divergence of the exciting light beam and the stimulating light beams. See Hell et al., col. 6, lines 16-19, and Fig. 1. The present invention can correct chromatic aberrations, such as axial chromatic aberration, chromatic difference of magnification and lateral chromatic aberration, and monochromatic aberrations, such as spherical aberrations, coma, astigmatism, field curvature or distortion. See specification at page 6, lines 4-16. Hell et al. does not describe optical aberrations, nor does Hell et al. correct optical aberrations, as recited in claim 1. Hell et al. therefore cannot anticipate claim 1 or its dependent claims.

Withdrawal of the rejection of independent claim 1, as well as dependent claims 2, 4, 6 and 8, under 35 U.S.C. §102(b) based on Hell et al., is respectfully requested.

Rejection under 35 U.S.C. §103(a)

Claims 3, 5, 7 and 9-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hell et al.

Dependent claims 3, 5, 7 and 9-11 properly depend from, and therefore include all the limitations of, independent claim 1. As discussed above, Hell et al. does not teach or suggest the “such that optical aberrations are corrected in such a way that the focal regions remain static relative to one another irrespective of the scanning movement” feature of claim 1. It is respectfully submitted that Hell et al. therefore cannot render dependent claims 3, 5, 7 and 9-11 obvious.

Withdrawal of the rejection of dependent claims 3, 5, 7 and 9-11 under 35 U.S.C. §103(a) based on Hell et al. is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

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